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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,758	10/06/2003	Maxime Belanger	090402-9416	2829

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EXAMINER	
ENGLE, PATRICIA LYNN	

ART UNIT	PAPER NUMBER
3612	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/679,758	BELANGER ET AL.	
	Examiner	Art Unit	
	Patricia L. Engle	3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-17,19-23,26-34* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-17,19-23 and 26-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 May 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 1, 3-6, 9-12, 14, 15, 23, 26 and 28-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham et al.

Regarding claims 1, Graham et al. disclose a door (Fig. 1) for use with a vehicle (the door of Graham is capable of being used with a vehicle defining a load space), the door (Fig. 1) comprising: a first panel (12) having an end (22), the end (22) having an arm and a protuberance connected to the arm (22P), together the end, the arm, and the protuberance defining an arcuately shaped recess (Fig. 5); and a second panel (11) having a hook (21P), the hook being engageable (Fig. 5) in the arcuately shaped recess to pivotably connect the first panel and the second panel, the hook (21P) having an arcuate shape corresponding to the arcuately shaped recess; wherein

the first panel has a first face (16) and the second panel has a second face (16), and wherein the second panel (11) is pivotable relative to the first panel (12) between a first orientation (Fig. 5), in which the second face is substantially perpendicular to the first face (although Fig. 5 does not show the panel completely pivoted so that the second face is perpendicular to the first face, the panels are capable of such orientation), and a second orientation (Fig. 4), in which the second face is substantially parallel to the first face; wherein each of the first panel (12) and the second panel (11) is supportable on the tracks for movement along the tracks and relative to the vehicle, and wherein the second panel (11) is moveable relative to the first panel from the first orientation to towards the second orientation when the first panel is supported on the tracks (column 4, lines 30-39 and column 3, lines 57-65).

Graham does not specifically disclose that the panels are joined together while one panel is supported by the tracks and the other panel is moved from a first orientation to a second orientation. Graham does disclose in column 4, lines 30-39 the method of assembling the panels. Graham discloses that the method of assembling the panels allows the door sections to be assembled by a single person. It would have been obvious to one of ordinary skill in the art at the time of the invention to support a first panel on the horizontal track and then join a second panel to the first panel and then support the second panel on the track, until all the panels have been joined together. The motivation would have been to allow a single person to install the door assembly or replace panels on their own. Regarding the limitation that the door is used on a vehicle, this an intended use limitation and the door assembly of Graham et al. could be used on a vehicle. (Denoual et al. (column 1, lines 6-7) demonstrates that sectional panel doors can be used for garages or vehicles).

Regarding claims 28-34, the product of a door with a first and second panel which are removably connected to one another in one orientation and fixedly connected to each other in another orientation is disclosed by Graham et al. The method of connecting the panels and placing them on the track would have been inherent to the door being connected on the track.

Regarding claims 3 and 10, Graham et al. disclose the door of claim 1, wherein the second panel is fixedly connected to the first panel when the second panel is in the second orientation (Fig. 4A) and wherein the second panel is removably connected to the first panel when the second panel is in the first orientation (when the panels are in the first orientation the hook would be able to fit through the clearance of the recess and therefore would be removably connected).

Regarding claims 4 and 11, Graham et al. disclose the door of claim 1 , wherein the tracks limit movement of the second panel between the first orientation and the second orientation.

Regarding claim 5, Graham et al. disclose the door of claim 1, wherein one of the first panel (12) and the second panel (11) provides a second protuberance (21R) and an other of the first panel (12) and the second panel (11) defines a second recess (22R), the second protuberance (21R) being engageable (Fig. 4) in the second recess (22R) when the second panel is in the second orientation (Fig. 4) to reduce air flow between the first panel and the second panel (column 4, lines 23-27).

Regarding claim 6, Graham et al. disclose the door of claim 1, wherein the first panel (12) and the second panel (11) define an air channel between the load space and the atmosphere,

the hook (21P) matingly engaging the protuberance (21R), and together, the protuberance and the hook obstructing the airflow through the air channel.

Regarding claim 9, Graham et al. disclose the door of claim 1, wherein the second panel (12) has a second end and the hook extends along the second end, and wherein the hook engages the arcutely shaped recess (21R) along the end of the first panel.

Regarding claim 12, Graham et al. disclose the door of claim 10, wherein the protrusion is a hook (21P), and wherein the one of the lower end and the upper end includes an arm (22P) and a protuberance (22P) connected to the arm, together the end, the arm and the protuberance defining the recess (Fig. 5).

Regarding claim 15, Graham et al. disclose the door of claim 10, wherein the recess (Fig. 5) extends along the one of the lower end and the upper end, and wherein the protrusion (21P) extends along the other of the lower end and the upper end.

Regarding claim 23, Graham et al. disclose a door panel (11-14) comprising an elongated body (11-14) having a first end (22) and a second end (21), the first end (22) having an arm and a protuberance (22P) formed at a distal end of the arm, together the first end, the arm, and the protuberance defining an arcuately shaped recess (22P), the protuberance having a first radius, the second end (21) having a hook (21P), the hook having a second radius, the second radius being greater than the first radius; wherein the panel has a first face (16), and wherein the arm and the protuberance (22P) are configured to pivotably engage a second panel having a second face (16), the first panel being pivotable relative to the second panel between a first orientation (Fig. 5), in which the first face is substantially perpendicular to the second face, and a second orientation (Fig. 4), in which the first face is substantially parallel to the second face; wherein the

first panel is removably connectable with the second panel when the first panel is in the first orientation (see explanation of claims 1 and 3).

Regarding claim 26, Graham et al. disclose the door panel of claim 23, wherein the second panel is non-removably connectable with the second panel when the first panel is in the second orientation (Fig. 4).

Regarding claim 14, Graham et al. disclose that the second protrusion is on the second panel and the second recess is on the first panel. It would have been obvious to one of ordinary skill in the art at the time of the invention to place the second protrusion and the second recess on either one of the panels as "the novel triple seal" would still be formed.

4. Claims 7, 8, 13, 16-22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Graham et al. in view of Teigen et al. (US Patent 5,154,468)

Graham et al. disclose the door panel of claim 23. Regarding claim 16, Graham et al. disclose a door (Fig. 1) for use with a vehicle (the door of Graham is capable of being used with a vehicle defining a load space), the door (Fig. 1) comprising: a first panel (12) having an end (22), the end (22) having an arm and a protuberance connected to the arm (22P), together the end, the arm, and the protuberance defining an arcuately shaped recess (Fig. 5); and a second panel (11) having a hook (21P), the hook being engageable (Fig. 5) in the arcuately shaped recess to pivotably connect the first panel and the second panel, the hook (21P) having an arcuate shape corresponding to the arcuately shaped recess; wherein the first panel has a first face (16) and the second panel has a second face (16), and wherein the second panel (11) is pivotable relative to the first panel (12) between a first orientation (Fig. 5), in which the second face is substantially perpendicular to the first face (although Fig. 5 does not show the panel completely

pivoted so that the second face is perpendicular to the first face, the panels are capable of such orientation), and a second orientation (Fig. 4), in which the second face is substantially parallel to the first face. **Regarding claim 17**, Graham et al. disclose the door wherein the arm (22P) includes a protuberance (22P) connected to the arm, together the end, the arm and the protuberance defining the recess (Fig. 5). **Regarding claim 19**, Graham et al. disclose the door wherein the second panel is fixedly connected to the first panel when the second panel is in the second orientation (Fig. 4A) and wherein the second panel is removeably connected to the first panel when the second panel is in the first orientation (when the panels are in the first orientation the hook would be able to fit through the clearance of the recess and therefore would be removeably connected). **Regarding claim 20**, Graham et al. disclose the door wherein the tracks limit movement of the second panel between the first orientation and the second orientation. **Regarding claim 21**, Graham et al. disclose the door wherein one of the first panel and the second panel provides a protuberance (21R) and an other of the first panel and the second panel defines a second recess (22R), the protuberance (21R) being engageable in the second recess (22R) when the second panel (11) is in the second orientation to reduce air flow between the first panel and the second panel. **Regarding claim 22**, Graham et al. disclose the door wherein the recess (Fig. 5) extends along the one of the lower end and the upper end, and wherein the protrusion (21P) extends along the other of the lower end and the upper end.

Graham et al. do not disclose that the panel is formed from a thermally nonconductive material and to make the body and the arm and hook integral of the same thermally nonconductive material.

Teigen et al. disclose a articulated door panel which is made from a thermally nonconductive material (column 5, lines 43-55) and in which the body and the hook are made from the same thermally nonconductive material (claims 7, 8, 13, 16, 27) .

Graham et al. and Teigen et al. are analogous art because they are from the same field of endeavor, i.e., sectional doors with pivotally connected panels.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to make the panel of a thermally nonconductive material and to make the body and the arm and hook integral.

The motivation would have been to have a lightweight, resilient, self lubricating, wear resistant and corrosion resistant door in one step.

Therefore, it would have been obvious to combine Teigen et al. with Graham to obtain the invention as specified in claims 7, 8, 13, 16, 17, 19-22, 27.

Response to Arguments

5. Applicant's arguments filed May 2, 2005 have been fully considered but they are not persuasive. Regarding the rejection under 103(a) with Graham, the Applicant argues that Graham does not teach that the panels are connected by placing one panel on the tracks and then connecting the second panel to the first panel. It would have been obvious to one of ordinary skill in the art at the time of the invention to support a first panel on the horizontal track and then join a second panel to the first panel and then support the second panel on the track, until all the panels have been joined together. The motivation would have been to allow a single person to install the door assembly or replace panels on their own. The Graham disclosure of how to

connect the panels states that the first panel is vertical and then second panel is joined to the first panel then moved to the vertical position. If a single person were installing the panels on the track they would not be able to move the panels all connected onto the track. Connecting the panels when the first panel was vertical or horizontal would involve the same steps.

In response to applicant's arguments, the recitation for use with a vehcile has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Even if the Applicant positively recited the vehicle structure, Denoual discloses that the doors used for garage doors and doors used on vehicles are equivalent.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

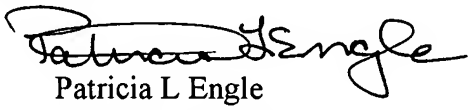
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L. Engle whose telephone number is (571) 272-6660. The examiner can normally be reached on Monday - Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia L Engle
Primary Examiner
Art Unit 3612

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November 21, 2005